



Security Council

Sixty-third year

Provisional

5928th meeting

Monday, 30 June 2008, 10.05 a.m.

New York

<i>President:</i>	Mr. Khalilzad	(United States of America)
<i>Members:</i>	Belgium	Mr. Grauls
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Weisleder
	Croatia	Mr. Jurica
	France	Mr. De Rivière
	Indonesia	Mr. Natalegawa
	Italy	Mr. Spatafora
	Libyan Arab Jamahiriya	Mr. Gouider
	Panama	Mr. Jácome
	Russian Federation	Mr. Dolgov
	South Africa	Mr. Malgas
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	Viet Nam	Mr. Hoang Chi Trung

Agenda

Threats to international peace and security caused by terrorist acts

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08-40422 (E)



The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

Threats to international peace and security caused by terrorist acts

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2008/424, which contains the text of a draft resolution submitted by Belgium, Burkina Faso, Croatia, France, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I wish to draw members' attention to document S/2008/408, containing a letter dated 18 June 2008, addressed to the President of the Council from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Belgium, Burkina Faso, China, Costa Rica, Croatia, France, Indonesia, Italy, Libyan Arab Jamahiriya, Panama, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1822 (2008).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Weisleder (Cost Rica) (spoke in Spanish): Costa Rica joined the consensus on this resolution

because we believe firmly in multilateralism and international law. However, I should like to make a few comments with regard to the positions taken during the process of negotiating the resolution.

Costa Rica believes that the collective measures regime is an effective tool to prevent and eliminate threats to peace and to suppress efforts to undermine it. By adopting the resolution, in line with the principles of justice and international law, we are reiterating our commitment to the use of peaceful means to resolve international disputes or situations that could lead to a breach of the peace.

Costa Rica has no doubt that acts of terrorism pose one of the most serious threats to peace and security today. We strongly condemn such acts, regardless of who commits them or the putative justification for them. As a State, Costa Rica has made substantial efforts in the area of combating terrorism. We are party to most international instruments to combat that scourge. A draft law aimed at strengthening our anti-terrorism legislation was recently introduced in our Parliament.

As the text of the resolution we have just adopted sets out, terrorism should be fought in accordance with the Charter of the United Nations and international law, including international human rights law, international refugee law and international humanitarian law. Our position is based on those principles. We also believe that that is the most effective way to combat terrorism. Having less international legality is not the way for us to be effective in addressing the problem of terrorism; we must instead reaffirm that legality.

As we have said clearly on other occasions, the threat posed by terrorism must be addressed in a coordinated and comprehensive manner by each organ of the United Nations in line with its respective mandate. We continue to be concerned at instances in which measures adopted by the Security Council are of a general or legislative scope. It must be reiterated that, in line with Articles 10, 11 and 13 of the Charter, the General Assembly has purview over general principles of cooperation in the maintenance of international peace and security. As members of the Council, we have an obligation to bear in mind that the General Assembly is the most legitimate and representative forum.

In 2005, the General Assembly encouraged the Security Council to

"ensure ... that fair and transparent procedures exist for placing individuals and entities on its lists, for removing them and for granting humanitarian exceptions" (*resolution 60/288, annex, part II, para. 15*).

The Security Council should scrupulously reaffirm and ensure respect for the human rights, fundamental freedoms and the dignity of all individuals, as set out in the Charter.

We are concerned by the fact that the Council considers the imposition of sanctions, the freezing of funds and the restriction of travel to be preventive measures. Inasmuch as such measures limit individual rights, Costa Rica believes that their sanctioning character is clear. Their imposition must necessarily comply with the international standards of due process set out in the International Covenant on Civil and Political Rights and other instruments of international human rights law.

Costa Rica acknowledges and welcomes the progress made that has been incorporated into the resolution. That includes, first, the reaffirmation in paragraph 12 of the need to provide a detailed statement of case or the reason why a name is to be placed on the Consolidated List; secondly, the requirement contained in paragraph 13 that, once a name has been included on the List, access must be ensured to a narrative summary of reasons for listing on the Consolidated List; thirdly, the call on States, contained in paragraph 14, when proposing names for

inclusion on the List, to provide as part of their request sufficient identifying information to allow for positive identification; fourthly, the demand contained in paragraph 17 that States take the necessary measures to notify listed persons; fifthly, the introduction in paragraph 25 of a comprehensive review of all names on the List; and lastly, the introduction in paragraph 26 of an annual review of names on the List that have not been reviewed in the course of three years.

We are grateful to the States members of the Council, and in particular to the lead country, for their readiness to include those elements in the resolution. However, we regret that the Council did not send a stronger message in paragraph 28 with regard to the need to improve the current procedures for the listing and delisting of individuals on the sanctions List. Those procedures should be amended to be in line with the requirements of due process.

Costa Rica believes that, although the establishment of a focal point under resolution 1730 (2006) was an important achievement, it is also necessary to establish a review mechanism. We believe that the States members of the Security Council should seriously consider the proposal made by Denmark, Germany, Liechtenstein, the Netherlands, Sweden and Switzerland aimed at agreeing mechanisms to fully protect the basic rights of listed individuals.

The President: There are no other speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 10.20 a.m.